



CASE NUMBER _____

Charter Township of Elmwood
ZONING BOARD OF APPEALS APPLICATION

Property Address: 9320 E. Cherry Bend Rd.

Parcel Number: 45-004-020 -024 -00 Zoning District: AG

Owner Name: Justin Slagau Owner Phone: 231-883-1422

Owner Address: 9320 E. Cherry Bend Rd.

Applicant Name: _____ Phone: _____

(If Different than Owner)

Applicant Address: _____

Type of Request: X Variance _____ Interpretation _____ Appeal _____ Other _____

Section(s) of Ordinance seeking Variance from: ~~3.15 + 10.3~~

3.15 + 10.3

Required Dimension in Ordinance: 50ft.

Amount of Variance Requested from Required Dimension: 22 ft. (current structure set back)

Previous Appeal Requests (Date, Request, Decision): OCT. 2019, Sept. 2020

Other Information to Explain Request: unable to proceed with construction due to personal injury + COVID-19.

Approval Criteria:

The following questions must be answered completely, attach additional pages if necessary.

- a. Will this request be contrary to the intent and purpose of the Zoning Ordinance?

b. Will this request establish a use not permitted in the zoning district the property is located in?

No

c. Will this request cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located?

No

d. Will this request be specific to the property and not be so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical?

Yes

e. Will this request relate only to property that is owned or occupied, or where the applicant has equitable interest?

Yes

f. Will this request be the result of a condition created by the applicant?

NO

g. Will this request create possible precedents or affects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance?

NO

In addition to the above questions, the request must also meet ONE of the following:

a. Are there practical difficulties, which prevent carrying out the strict letter of this Ordinance? These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

Yes

b. Are there exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district? Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.

Yes

- c. Will this request result in a variation necessary for the preservation of a substantial property right possessed by other properties in the same zoning district?

NO

The following questions need to be answered if the request is involving a nonconforming building or structure:

- a. Does the request increase the measurement of the existing dimensional nonconformity? For example, if a structure is nonconforming because it violates a setback requirement by two (2) feet, an added level which otherwise complies with this Ordinance could be permitted, but a lateral extension of the structure which would violate the setback requirement by three (3) feet would not be permitted.

NO

- b. Does the request create a new added nonconformity of any type? For example, if a structure is nonconforming because it violates a setback requirement by two (2) feet, then an appeal to enlarge the structure cannot result in a new setback violation at a different location on the property or a violation of the maximum allowable height of a structure

NO

- c. Does the request have an adverse impact on any surrounding property?

NO


Remarks:

Demo existing house. due to failing infrastructure
No increase in violation is requested. Rebuild new
structure with same foot print + location as it
sits today.

*please see site plan + other necessary documents
submitted 7/31/2020 as everything is the same!

Affidavit:

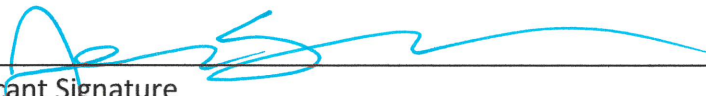
The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding this request. The undersigned also affirms that he/she or they have reviewed the standards for approval in Article 16 of the Zoning Ordinance.



Owner Signature

4/20/2022

Date



Applicant Signature

4/20/2022

Date

OFFICE USE ONLY:

ZBA Case Number: _____ Fee: _____ Paid: _____

Board Decision: _____ Date: _____

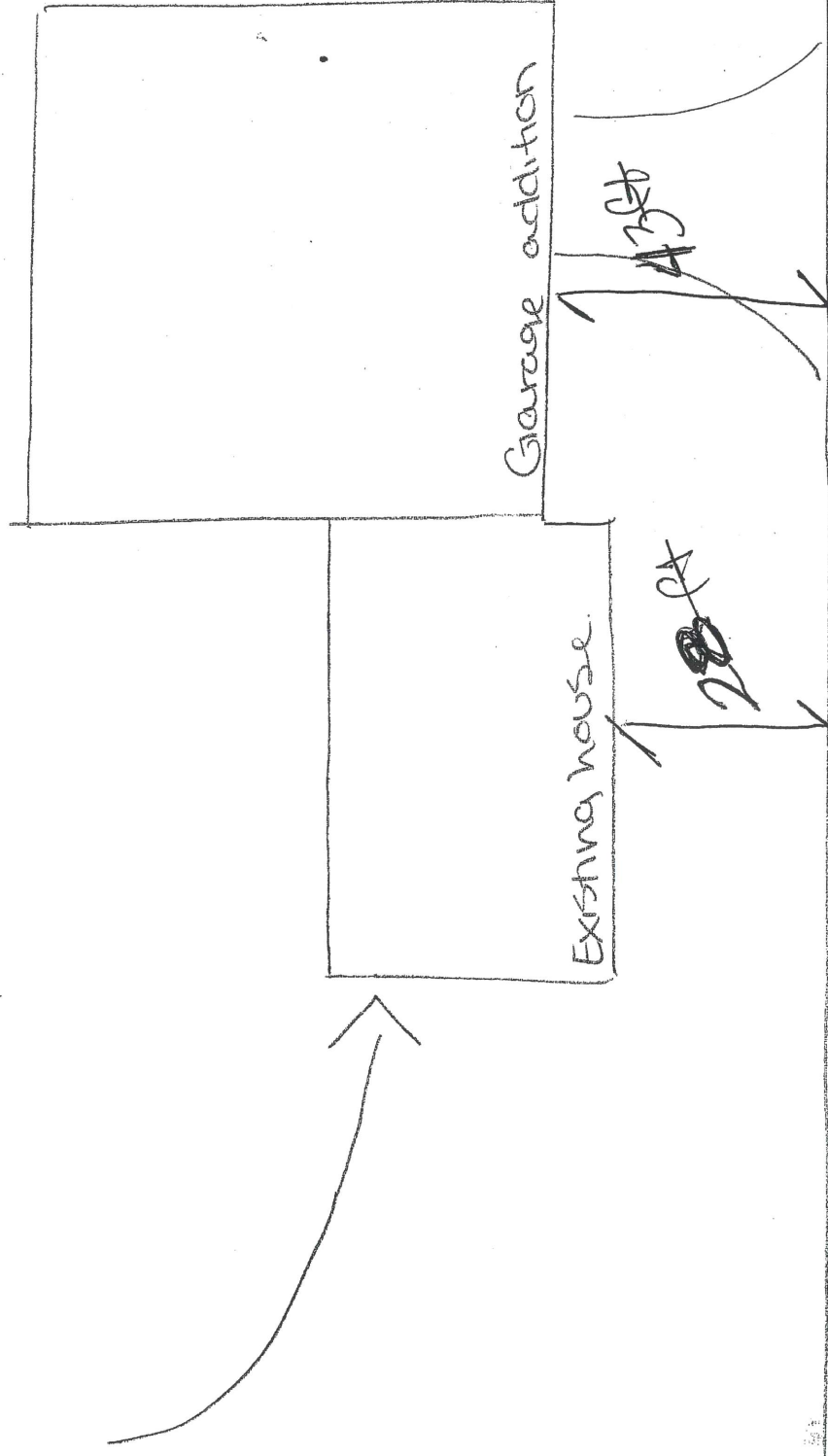
Date Permit Issued: _____ Issued By: _____

- Demo existing house

due to failing infrastructure.

Retain foundation if necessary
to permit variance. Rebuild on
exact same footprint. One story.

4510 E Cherry Bend Rd
TC, MI 49108



E. Cherry Bend Rd.

Justin Slagal

Wednesday, August 26, 2020 8:21 PM

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For the property in question at 9320 E. Cherry Bend Road, We the owners on both sides of that property have no objections to the request to rebuild the existing dwelling.

Any questions we can be reached at (231) 633-4965

Thank You,

Jim and Jan Slagal

Jan M. Slagal

Planning/ Zoning Department
planner@elmwoodtownship.net

Elmwood Charter Township
10090 E. Lincoln Rd.
Traverse City, MI 49684

Contact Information
Ph: (231) 946-0921
Fax: (231) 946-9320

Old filing
SC

NOTICE OF PUBLIC HEARING ELMWOOD CHARTER TOWNSHIP ZONING BOARD OF APPEALS

The following Public Hearing is scheduled for Wednesday, September 2, 2020, at 7:00 p.m. before the Elmwood Charter Township Zoning Board of Appeals to consider

ZBA 2020-01 Request by Justin Slagal at 9320 E Cherry Bend, Parcel #45-004-020-024-00 for a 22 foot front yard setback variance to replace an existing dwelling with a new dwelling in the Agricultural-Rural Zoning District.

A complete copy of the application is available at the Township Hall by appointment or online at www.leelanau.cc/elmwoodtwp.asp.

The public hearing will be held by electronic remote access. Electronic remote access, in accordance with the Michigan Governor's Executive Order 2020-48, or superseding order, will be implemented in response to COVID -19 social distancing requirements. The public may participate in the public hearing and provide comment at the meeting by calling (312)626-6799, Meeting ID 818 6674 3341.

The public may also watch the meeting live on YouTube. A link to the video is available on the Township website at leelanau.cc/elmwoodtwp.asp. This is video only, no public comment will be received via YouTube.

Individuals can submit written comments prior to the meeting. Written comments may be submitted prior to the public hearing by mailing them to: Planning and Zoning Department, 10090 E. Lincoln Rd, Traverse City, MI 49684 or planner@elmwoodtownship.net. Written comments submitted prior to the public hearing will be received until 5:00 pm, Wednesday, September 2, 2020.

Individuals planning to attend who require reasonable auxiliary aids should contact Connie Preston, Township Clerk at (231) 946-0921.

old filing

Elmwood Township Zoning Board Of Appeals Notice Of Public Hearing

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Concluded next column

The social distancing requirements. The public may participate in the public hearing and provide comment at the meeting by calling (312) 626-6799. Meeting ID 818 6674 3341.

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Affidavit of Publication

Elmwood Township

John T. Elchert being first duly sworn, says that he is the publisher of The Leelanau Enterprise-Tribune, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published:

August 13th, 2020

Signed: _____

John T. Elchert, Publisher

Subscribed and sworn to before me this 13th day of August, 2020.

Jenny N. Romo
Jenny N. Romo,
Notary Public, Leelanau County, Michigan
Acting in Leelanau County